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10/524,055	03/09/2005	Juha-Pekka Koskinen	089229.00048	4444
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EXAMINER AJIBADE AKONAI OLUMIDE				
ART UNIT 2617		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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IPGENERALTYC@SSD.COM
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Office Action Summary

Application No.

10/524,055

Applicant(s)

KOSKINEN ET AL.

Examiner

OLUMIDE T. AJIBADE AKONAI

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14 and 16-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-14 and 16-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed December 11 2009 have been fully considered but they are not persuasive. Regarding claims 1, 14, 24, 27 and 28, the applicants' representative asserts that the combination of Wenzel and Chaney fail to disclose or suggest all of the elements of the presently pending claims. Specifically, the applicants' representative asserts that Wenzel fails to disclose "initiating a change in the accounting session on the initiation of the charging function". The examiner respectfully disagrees. Wenzel discloses that the home agent transmits a message to the AAA server to update the accounting session of a mobile node, when the mobile node changes its wireless communication session from a first foreign agent (FA-old) to a second foreign agent (FA-new) (see fig. 8, col. 10, lines 20-50). This reads on the applicants' limitation of "initiating a change in the accounting session on the initiation of the charging function", as recited in claim 1 because the charging function (Home agent, HA) transmits a message to the network element (AAA server) that results in an updated and new accounting session for the mobile node in the AAA server. Wenzel therefore teaches the method of "initiating a change in the accounting session on the initiation of the charging function". The applicants' representative further asserts that Wenzel fails to teach or suggest charging for services in the communication system based on the communication session. The examiner respectfully disagrees. The purpose of an AAA server in performing an accounting session is to handle the billing/accounting of their customers/clients for wireless communication services. Wenzel discloses a AAA server

in a wireless network (see fig. 1) generating accounting for the initiated wireless communication session by the mobile node (see col. 7, lines 29-43, col. 10, lines 20-50). Wenzel therefore reads on the applicants' limitation of "charging for services in the communication system" because the AAA server disclosed in Wenzel performs the billing/accounting for wireless communication session(s) in the wireless network. The applicants' representative further asserts that Wenzel does not disclose that the initiation of the change in the accounting session occurs during an ongoing session and based on a change in the accounting session. The examiner respectfully disagrees. Wenzel discloses a transmitting a message from the home agent to the AAA server to update accounting for the mobile node by requesting that the AAA server stop the accounting for the old communication session with the old foreign agent and start a new accounting for a communication session using the new foreign agent, when the mobile node begins a new communication session with the new foreign agent (see fig. 8, col. 10, lines 50). This reads on the applicants' limitation of initiation of the change in the accounting session occurs during an ongoing session and based on a change in the accounting session, as recited in claim 1, because the change in the accounting occurs when the mobile station is communication in the wireless network and changes its wireless connection by moving from an old foreign agent to a new foreign agent, and this clearly indicates that an accounting session change occurs (the update to a new accounting session for the new foreign agent, see col. 10, lines 40-50) during an ongoing communication session (see col. 10, lines 20-24). The applicants' representative further asserts that Chaney fails to teach or suggest "initiating a change

in the accounting session on the initiation of the charging function; and charging for services in the communication system based on the accounting session," as recited in claim. The applicants' representative also asserts that Chaney fails to teach or suggest "wherein the initiating a change in the accounting session occurs during an ongoing session and comprises transmitting a request to update the accounting session from the charging function to the network element, and wherein the initiated change comprises performing at least one of an increase and decrease in charges for services currently implemented in the ongoing session," as recited in claim 1. The examiner maintains that Chaney is used to disclose a billing entity in a wireless network (see fig. 1) initiating a charge to a user of a mobile node by charging the user for mobile services, wherein the charges can be increased or decreased in real time while the user of the mobile node is currently using the mobile node in the wireless network (see col. 7, lines 9-35). Therefore the examiner maintains that Chaney is only used to disclose the claimed of increasing and decreasing the charges for services implemented for a communication session in a wireless network. Wenzel is used to disclose the claimed limitation "wherein the initiating a change in the accounting session occurs during an ongoing session and comprises transmitting a request to update the accounting session from the charging function to the network element," as recited in claim 1, for the reasons stated above. The examiner therefore maintains that Wenzel, as modified by the teaching of Chaney which teaches that the charges for a user of a mobile device can be increased or decreased, clearly reads on all of the applicants' claimed limitation as recited in claim 1. The rejection of Independent claims 14, 24, 27 and 28 are maintained for the same

reasons indicated above for claim 1. Regarding claims 5, 6, 18, 19 and 23 the applicants' representative asserts that there is on suggestion in Rygula that would enable a person of ordinary skill in the art to arrive to the claimed invention and that there is no motivation, teaching or suggestion in the prior art to combine the references. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner maintains that motivation for transmitting an acknowledge message in response to an accounting message is to update the accounting session and indicate the current accounting status of the mobile node using a pre-paid service has been updated. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). The examiner therefore maintains that the combination of Wenzel, Chaney and Rygula read on the

applicants' claimed limitation, as recited in claims 5, 6, 18, 19 and 23. Regarding claims 12 and 25, the applicants' representative asserts that the combination of Wenzel, Chaney and Barna fail to disclose or suggest "initiating a change in the accounting session...during an ongoing session and comprises transmitting a request to update the accounting session from the charging function to the network element, and wherein the initiated change comprises performing one of an increase and decrease in charges for services implemented in the ongoing session", as recited in claim 1, or similarly in independent claims 14, 24, 27 and 28. The examiner respectfully disagrees and maintains that the combination of Wenzel, Chaney and Barna disclose the claimed limitation for the same reasons indicated above for claim 1.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 28 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 28 is directed to a computer program embodied on a computer readable medium; however, the specification does not mention a computer readable medium. Since the specification does not mention what the computer readable medium encompasses, the examiner is providing the broadest reasonable interpretation, which means that the computer-readable medium could cover forms of non-transitory tangible media and transitory propagating signals per se in view

of the ordinary meaning of computer-readable media, particularly when the specification is silent (see MPEP 2111.01). The applicants should clarify/narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by adding the limitation "non-transitory" to the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 3, 4, 7-11, 13, 14, 16, 17, 20-22, 24, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wenzel et al 7,471,634 (hereinafter Wenzel)** in view of **Chaney 6,947,724**.

Regarding **claim 1**, Wenzel discloses a method, comprising: establishing an accounting session between a network element (AAA server, see figs. 1 and 3, col. 7, lines 29-34) and a charging function (HA, see figs. 1 and 3, col. 7, lines 29-34) for the session (initiating accounting for a wireless communication session, see fig. 3, col. 7, lines 29-55), wherein the network element comprises a gateway of an internet protocol based communication system (see figs. 1 and 3, col. 6, lines 17-29, col. 7, lines 29-34); initiating a change in the accounting session on the initiation of the charging function (transmitting a request to stop accounting for old FA, and transmitting a request to start accounting for the new FA when the mobile nodes moves from the old FA to the new FA, see fig. 8, col. 10, lines 20-50); and charging for services in the communication system based on the accounting session (see fig. 8, col. 10, lines 20-50), wherein the initiating a change in the accounting session occurs during an ongoing session and comprises transmitting a request to update the accounting session from the charging function to the network element (HA transmitting a request to the AAA server stop accounting for the communication session on old FA, and transmitting a request to start

accounting for the communication session on the new FA when the mobile nodes moves from the old FA to the new FA, see fig. 8, col. 10, lines 20-50).

Wenzel does not specifically disclose wherein the initiated change comprises performing at least one of an increase and decrease in charges for services currently implemented in the ongoing session.

In the same field of endeavor, Chaney discloses a 3GPP network (see fig. 1, col. 3, lines 58-60) comprising billing entities to initiate a charge to a user of a mobile node for a wireless communication session (see fig. 1, col. 6, lines 9-19), and wherein the charges can be increased or decreased during the wireless communication (see fig. 4, col. 6, lines 53-67, col. 7, lines 1-19).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Chaney, by increasing or decreasing the charges applied to a mobile station accounting session changes, into the system of Wenzel for the benefit of billing a mobile node at a higher rate when the mobile node roams into an area with high traffic and at lower rate when the mobile node roams into an area with low traffic.

Regarding **claims 14 and 27**, Wenzel discloses a charging element (HA, see figs. 1 and 3, col. 7, lines 29-34), comprising: a monitor unit (or monitor means) configured to monitor charging in an internet protocol based communication system (see col. 7, lines 44-55); an establishment unit (or establishment means) configured to establish an accounting session with an application (initiating accounting for a wireless

communication session, see fig. 3, col. 7, lines 29-55); an information unit configured to inform a network element (AAA server, see figs. 1 and 3, col. 7, lines 29-34) configured to control an associated communication session of the accounting session, wherein the network element comprises a gateway of the internet protocol based communication system (initiating accounting for a wireless communication session, see fig. 3, col. 7, lines 29-55); and an initiation unit (or initiating means) configured to initiate a change in the accounting session (transmitting a request to stop accounting for old FA, and transmitting a request to start accounting for the new FA when the mobile nodes moves from the old FA to the new FA, see fig. 8, col. 10, lines 20-50), said change occurring during an ongoing session, wherein the initiation unit comprises a transmission unit configured to receive a request to update the accounting session (HA transmitting a request to the AAA server stop accounting for the communication session on old FA, and transmitting a request to start accounting for the communication session on the new FA when the mobile nodes moves from the old FA to the new FA, see fig. 8, col. 10, lines 20-50).

Wenzel does not specifically disclose wherein the change comprises performing at least one of an increase and decrease in charges for services currently implemented in the ongoing session.

In the same field of endeavor, Chaney discloses a 3GPP network (see fig. 1, col. 3, lines 58-60) comprising billing entities to initiate a charge to a user of a mobile node for a wireless communication session (see fig. 1, col. 6, lines 9-19), and wherein

the charges can be increased or decreased during the wireless communication (see fig. 4, col. 6, lines 53-67, col. 7, lines 1-19).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Chaney, by increasing or decreasing the charges applied to a mobile station accounting session changes, into the system of Wenzel for the benefit of billing a mobile node at a higher rate when the mobile node roams into an area with high traffic and at lower rate when the mobile node roams into an area with low traffic.

Regarding **claim 24**, Wenzel discloses a communication system, comprising: a network element configured to control a session for the provision of services in an internet protocol based communication system (AAA server, see figs. 1 and 3, col. 7, lines 29-34), wherein the network element comprises a gateway of the internet protocol based communication system (see figs. 1 and 3, col. 6, lines 17-29, col. 7, lines 29-34); an application for the session (initiating accounting for a wireless communication session, see fig. 3, col. 7, lines 29-55); and a charging function (HA, see figs. 1 and 3, col. 7, lines 29-34), wherein at least one accounting session is configured to be established between the charging function and at least one of the network element, the application, or the control function (initiating accounting for a wireless communication session, see fig. 3, col. 7, lines 29-55), and wherein the charging function is configured to initiate a change in the at least one accounting session during an ongoing session by transmitting a request to update the accounting session to the network element (HA transmitting a request to the AAA server stop accounting for the communication session

on old FA, and transmitting a request to start accounting for the communication session on the new FA when the mobile nodes moves from the old FA to the new FA, see fig. 8, col. 10, lines 20-50).

Wenzel does not specifically disclose a control function for the session and wherein the initiated change comprises performing at least one of an increase and decrease in charges for services currently implemented in the ongoing session.

In the same field of endeavor, Chaney discloses a 3GPP network (see fig. 1, col. 3, lines 58-60) comprising a control function (CSCF, see fig. 1, col. 3, lines 62-67) and billing entities to initiate a charge to a user of a mobile node for a wireless communication session (see fig. 1, col. 6, lines 9-19), and wherein the charges can be increased or decreased during the wireless communication (see fig. 4, col. 6, lines 53-67, col. 7, lines 1-19).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Chaney, by increasing or decreasing the charges applied to a mobile station accounting session changes, into the system of Wenzel for the benefit of billing a mobile node at a higher rate when the mobile node roams into an area with high traffic and at lower rate when the mobile node roams into an area with low traffic.

Regarding **claim 28**, Wenzel discloses a computer program embodied on a computer readable medium, the computer program being configured to control a processor to perform: establishing an accounting session between a network element (AAA server, see figs. 1 and 3, col. 7, lines 29-34) and a charging function (HA, see figs.

1 and 3, col. 7, lines 29-34) for the session (initiating accounting for a wireless communication session, see fig. 3, col. 7, lines 29-55), wherein the network element comprises a gateway of an internet protocol based communication system (see figs. 1 and 3, col. 6, lines 17-29, col. 7, lines 29-34); initiating a change in the accounting session on the initiation of the charging function (transmitting a request to stop accounting for old FA, and transmitting a request to start accounting for the new FA when the mobile nodes moves from the old FA to the new FA, see fig. 8, col. 10, lines 20-50); and charging for services in the communication system based on the accounting session, wherein the initiating a change in the accounting session occurs during an ongoing session and comprises transmitting a request to update the accounting session from the charging function to the network element (HA transmitting a request to the AAA server stop accounting for the communication session on old FA, and transmitting a request to start accounting for the communication session on the new FA when the mobile nodes moves from the old FA to the new FA, see fig. 8, col. 10, lines 20-50).

Wenzel does not specifically disclose and wherein the initiated change comprises performing at least one of an increase and decrease in charges for services currently implemented in the ongoing session.

In the same field of endeavor, Chaney discloses a 3GPP network (see fig. 1, col. 3, lines 58-60) comprising a control function (CSCF, see fig. 1, col. 3, lines 62-67) and billing entities to initiate a charge to a user of a mobile node for a wireless communication session (see fig. 1, col. 6, lines 9-19), and wherein the charges can be

increased or decreased during the wireless communication (see fig. 4, col. 6, lines 53-67, col. 7, lines 1-19).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Chaney, by increasing or decreasing the charges applied to a mobile station accounting session changes, into the system of Wenzel for the benefit of billing a mobile node at a higher rate when the mobile node roams into an area with high traffic and at lower rate when the mobile node roams into an area with low traffic.

Regarding **claims 3 and 16** as applied to claims 1 and 14, Wenzel further discloses wherein the transmitting the request further comprises transmitting an update accounting request message (see fig. 8, col. 10, lines 39-46).

Regarding **claims 4 and 17** as applied to claims 1 and 14, Wenzel further discloses responsive to the request, implementing, in the network element, a change in the charging of the accounting session (see fig. 8, col. 10, lines 39-46).

Regarding **claims 7 and 20** as applied to claims 1 and 14, Wenzel further discloses configuring the network element is a controller of a communications session relating to the accounting session (HA, see figs. 1 and 3, col. 7, lines 29-34).

Regarding **claim 8** as applied to claims 1, Wenzel further discloses wherein the establishing an accounting session comprises establishing an accounting session between the charging function and a further network element (see fig. 8, col. 10, lines 20-46).

Regarding **claim 9** as applied to claims 8, Wenzel further disclose establishing an accounting session between an application for the accounting session and the charging function (initiating accounting for a wireless communication session, see fig. 3, col. 7, lines 29-55).

Regarding **claim 10** as applied to claims 9, Wenzel as modified by Chaney discloses the claimed limitation. Chaney further discloses establishing an accounting session between a control function for the accounting session and the charging function (see fig. 4, col. 6, lines 53-67, col. 7, lines 1-19).

Regarding **claim 11** as applied to claims 9, Wenzel further discloses wherein the initiating the change in the accounting session between the network element controlling the session and the charging function is responsive to a change in at least one of the accounting session between the charging function and a further network element or the accounting session between an application for the accounting session and the charging function (see fig. 8, col. 10, lines 20-46).

Regarding **claims 13, 21, and 22** as applied to claims 1 and 14, Wenzel further discloses configuring the internet protocol based communication system to support a diameter internet protocol and the request is configured to be transmitted using a diameter internet protocol (see col. 6, lines 33-47).

Regarding **claim 26** as applied to claim 24, Wenzel further discloses a plurality of accounting sessions, wherein the charging function initiates a change in one accounting session of the plurality of accounting sessions responsive to a

change in another accounting session of the plurality of accounting sessions (see fig. 8, col. 10, lines 20-46).

6. Claims 5, 6, 18, 19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wenzel et al 7,471,634 (hereinafter Wenzel)** in view of **Chaney 6,947,724** as applied to claims 1 and 24 above, and further in view of **Rygula et al 6,973,309 (hereinafter Rygula)**.

Regarding **claims 5 and 18** as applied to claims 1 and 14, Wenzel as modified by Chaney disclose the claimed limitation except responsive to the request, transmitting, by the network element, an acknowledgement to the charging function. Rygula however discloses transmitting an accounting acknowledgement message from an AAA server to a network device in response to an accounting message from the network device (see fig. 12, col. 22, lines 41-61). It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Rygula by transmitting an accounting acknowledgement message to a network device in response to accounting request message, into the system of Wenzel as modified by Chaney for the benefit of indicating to the network device that the accounting session information of a wireless communication session for a mobile communication device has been updated.

Regarding **claims 6 and 19** as applied to claims 5 and 18, Wenzel as modified by Chaney and Rygula disclose the claimed limitation. Rygula further discloses wherein the transmitting the acknowledgement comprises transmitting an update accounting acknowledgement message (see fig. 12, col. 22, lines 41-61).

Regarding **claim 23** as applied to claim 21, Wenzel as modified by Chaney disclose the claimed limitation except wherein the element is configured, to transmit an acknowledgement to the charging function responsive to the request, wherein the acknowledgement is configured to be transmitted using a diameter internet protocol. Rygula however discloses transmitting an accounting acknowledgement message from an AAA server to a network device in response to an accounting message from the network device (see fig. 12, col. 22, lines 41-61). It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Rygula by transmitting an accounting acknowledgement message to a network device in response to accounting request message, into the system of Wenzel as modified by Chaney for the benefit of indicating to the network device that the accounting session information of a wireless communication session for a mobile communication device has been updated.

7. Claims 12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wenzel et al 7,471,634 (hereinafter Wenzel)** in view of **Chaney 6,947,724** as applied to claims 1 and 24 above, and further in view of **Barna et al 6,999,449 (hereinafter Barna)**.

Regarding **claims 12 and 25** as applied to claims 1 and 24, Wenzel as modified by Chaney discloses the claimed invention except wherein charging of the charging function comprises pre-paid charging. Barna however, discloses associating the accounting session with a pre-paid charging function (pre-paid server PPS 15, see fig. 1, col. 6, lines 9-10). It would therefore have been obvious to one of ordinary skill in the

art at the time the invention was made to combine the teaching of Barna, by implementing a pre-paid accounting service at an accounting server, into the system of Wenzel as modified by Chaney for the benefit of providing per-paid accounting services in an IP network.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUMIDE T. AJIBADE AKONAI whose telephone number is (571)272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617